

立法會
Legislative Council

LC Paper No. CB(2) 2204/00-01

Ref : CB2/BC/1/00

**Bills Committee on
Immigration (Amendment) Bill 2000**

**Minutes of meeting
held on Tuesday, 26 June 2001 at 12:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Ambrose LAU Hon-chuen, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Margaret NG
Hon Howard YOUNG, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon LAU Kong-wah

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Ray CHAN
Assistant Secretary General 3

Mr Arthur CHEUNG
Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2)4

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I. Contingency measures to be adopted in case the President of the Legislative Council ruled that the Bills Committee's proposed Committee Stage amendment to the proposed section 2AB(7)(a) was beyond the scope of the Bill

(LC Paper No. LS134/00-01)

The Chairman said that after the meeting on 7 June 2001, he had given notice to move the Committee Stage amendments (CSAs) on behalf of the Bills Committee. The Secretary for Security subsequently submitted in a letter dated 20 June 2001 that the CSA which involved adding "which may be" after "test" in the proposed section 2AB(7)(a) (the proposed CSA) was beyond the scope of the Bill. The legal adviser to the Bills Committee was asked to provide a written legal opinion on the issue, which had been circulated to members vide LC Paper No. CB(2) LS134/00-01 on 22 June 2001. He informed members that a ruling in respect of whether the proposed CSA was outside the scope of the Bill had not yet been made by the President of the Legislative Council (LegCo). The purpose of the meeting was to discuss what contingency measures could be adopted in case the President ruled that the Bills Committee's proposed CSA was beyond the scope of the Bill.

2. At the invitation of the Chairman, Assistant Legal Adviser 5 (ALA5) explained the actions that could be taken in the event that the President ruled that the proposed CSA was beyond the scope of the Bill. He said that a Member might move a motion under Rule 40(1) of the Rules of Procedure of LegCo that the Second Reading debate on the Bill be adjourned. As Rule 40(7) of the Rules of Procedure provided that a notice to resume the adjourned proceedings should be given not less than five clear days before the day on which the proceedings were to be resumed, it would allow more time for Members to consider the course of actions to be taken. He also informed members that a motion to adjourn a debate would not reverse the ruling of the President. He added that although a Member could also move a motion to adjourn a debate at the Committee stage under Rule 40(4), such a motion might not be helpful, as the Council would resume immediately after the proceedings of the Committee of the Whole Council was adjourned.

(Assistant Secretary General 3 (ASG3) joined the meeting at this point.)

3. Miss Cyd HO said that to her knowledge, the President had not raised any objection at the time when the Chairman of the Bills Committee gave notice to move the CSAs. She asked whether there was any precedent where the President did not raise any objection initially but subsequently changed her decision after receiving a submission from the Administration. Miss Margaret NG said that to her knowledge, the President should already have determined whether the CSAs were in order shortly after she received the notice and CSAs.

4. ASG3 explained that as a practice because of time constraint, CSAs in respect of which notice had been given by a Member to be moved at a Council meeting were

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usually issued, with the permission of the President, to Members for advance information whilst the President was deliberating on their admissibility. Thus, the circulation of CSAs to Members did not imply that the President had ruled that these CSAs were in order. He then informed members that the President had just given her verbal ruling that the proposed CSA was within the scope of the Bill, and the written ruling could be issued to Members in the afternoon.

5. Noting that the President had ruled that the proposed CSA was within the scope of the Bill, members agreed that it was no longer necessary to discuss the contingency measures.

6. Miss Margaret NG suggested that members' concern about the manner in which the Administration had dealt with the proposed CSA should be conveyed to the Administration. She considered that the Administration should have informed the Bills Committee of its views on the CSA at a much earlier stage. Members agreed that the Chairman would, on behalf of members of the Bills Committee, convey the concern to the Administration.

7. The meeting ended at 12:45 pm.

Legislative Council Secretariat
21 August 2001